



January 17, 2014

HOUSE BILL No. 1140

DIGEST OF HB 1140 (Updated January 15, 2014 1:58 pm - DI 84)

Citations Affected: IC 11-8; IC 11-9; IC 11-13.

Synopsis: Parole. Requires the department of correction (department) to create policies that provide for a schedule of progressive parole incentives and violation sanctions, including judicial review procedures, and submit the policies to the parole board for review. Requires the parole board to review and approve the policies submitted by the department. Provides that if a parolee commits a new: (1) Level 1 felony or Level 2 felony, the parole board shall revoke parole; and (2) Level 3 felony, Level 4 felony, Level 5 felony, or Level 6 felony, the parole board may revoke parole. Provides that a parolee may be subject to progressive parole violation sanctions under certain circumstances.

Effective: July 1, 2014.

Mahan, McMillin, Lawson L

January 9, 2014, read first time and referred to Committee on Courts and Criminal Code.
January 16, 2014, reported — Do Pass.

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January 17, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1140

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-8-2-12.4, AS AMENDED BY P.L.216-2007,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 12.4. The department shall do the following:

4 (1) Maintain the Indiana sex and violent offender registry
5 established under IC 36-2-13-5.5. The department shall ensure
6 that a sex offender's Social Security number remains unavailable
7 to the public.

8 (2) Prescribe and approve a format for sex or violent offender
9 registration as required by IC 11-8-8.

10 (3) Provide:

11 (A) judges;

12 (B) law enforcement officials;

13 (C) prosecuting attorneys;

14 (D) parole officers;

15 (E) probation officers; and

16 (F) community corrections officials;

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with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex and violent offender registry.

(4) Upon request of a neighborhood association:

(A) transmit to the neighborhood association information concerning sex or violent offenders who reside near the location of the neighborhood association; or

(B) provide instructional materials concerning the use of the Indiana sex and violent offender registry to the neighborhood association.

(5) Maintain records on every sex or violent offender who:

(A) is incarcerated;

(B) has relocated out of state; and

(C) is no longer required to register due to the expiration of the sex or violent offender's registration period.

(6) Create policies that provide for a schedule of progressive parole incentives and violation sanctions, including judicial review procedures, and submit the policies to the parole board for review.

SECTION 2. IC 11-9-1-2 IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The parole board shall:

(1) organize the division and employ personnel as are needed to properly discharge the functions of the board;

(2) make parole release and revocation decisions under IC 11-13-3 and IC 35-50-6-1;

(3) make pardon, clemency, reprieve, and remission recommendations to the governor under IC 11-9-2;

(4) collect, develop, and maintain statistical information concerning its services and decisions;

(5) keep records of its official actions and make them accessible according to law;

(6) review and approve policies created by the department under IC 11-8-2-12.4(6) that provide for a schedule of progressive parole incentives and violation sanctions, including judicial review procedures;

~~(6)~~ (7) cooperate with public and private agencies, local communities, and private groups and individuals for the development and improvement of its services;

~~(7)~~ (8) explain its functions to the public; and

~~(8)~~ (9) make an annual report to the governor by September 1 of each year containing a description of its operations for the preceding fiscal year ending June 30, an evaluation of its



effectiveness, any recommendations for statutory, budgetary, or other changes considered necessary to improve its effectiveness, and any other information required by law.

(b) The parole board may:

- (1) conduct inquiries, investigations, and reviews and hold hearings to properly discharge its functions;
- (2) issue subpoenas, enforceable by action in circuit and superior courts, to compel any person to appear, give sworn testimony, or produce documentary evidence relating to any matter under inquiry, investigation, hearing, or review;
- (3) administer oaths and take testimony of persons under oath;
- (4) request from any public agency assistance, services, and information that will enable it to properly discharge its functions;
- (5) enter, without notice, premises within the department's control, to confer with any committed person;
- (6) adopt, under IC 4-22-2, rules to properly discharge its functions; and
- (7) exercise any other power necessary in discharging its duties and powers.

SECTION 3. IC 11-13-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Parole revocation hearings shall be conducted as follows:

(1) A parolee who is confined due to an alleged violation of parole shall be afforded a parole revocation hearing within sixty (60) days after the parolee is made available to the department by a jail or state correctional facility, if:

(A) there has been a final determination of any criminal charges against the parolee; or

(B) there has been a final resolution of any other detainers filed by any other jurisdiction against the parolee.

(2) A parolee who is not confined and against whom is pending a charge of parole violation shall be afforded a parole revocation hearing within one hundred eighty (180) days after the earlier of:

(A) the date an order was issued for the parolee's appearance at a parole revocation hearing; or

(B) the date of the parolee's arrest on the parole violation warrant.

The revocation hearing shall be conducted by at least one (1) member of the parole board, and the purpose of the hearing is to determine whether a violation of a condition to remaining on parole has occurred and, if so, the appropriate action. In connection with the hearing, the parolee is entitled to those procedural safeguards enumerated in section



1 9(a) of this chapter. The parolee may offer evidence in mitigation of the
2 alleged violation.

3 (b) If it is determined from the evidence presented that the parolee
4 did not commit a parole violation, the charge shall be dismissed.

5 (c) If it is determined that the parolee did violate parole, the parole
6 board may continue parole, with or without modifying the conditions,
7 or revoke the parole and order the parolee imprisoned on either a
8 continuous or intermittent basis. If, however, the violation is the
9 commission of a new:

10 **(1) Level 1 felony or Level 2 felony, the parole board shall**
11 **revoke the parole and order continuous imprisonment; or**

12 **(2) Level 3 felony, Level 4 felony, Level 5 felony, or Level 6**
13 **felony, the parole board may revoke the parole and order**
14 **continuous imprisonment.**

15 (d) The parolee shall be provided with a written statement of the
16 reasons for the action taken under subsection (c).

17 (e) Unless good cause for the delay is established in the record of
18 the proceeding, the parole revocation charge shall be dismissed if the
19 revocation hearing is not held within the time established by subsection
20 (a).

21 **(f) A parolee may admit to a violation of parole and waive the**
22 **right to a parole revocation hearing if the parole agent notifies the**
23 **parolee of the alleged violation in writing and provides notice of**
24 **the parole revocation hearing before the parole revocation hearing.**
25 **If the parolee:**

26 **(1) admits to a violation and requests to waive the parole**
27 **revocation hearing, the parole agent shall advise the person**
28 **that by waiving the right to a parole revocation hearing, the**
29 **person forfeits the rights provided under section 9(a) of this**
30 **chapter; and**

31 **(2) waives the right to a parole revocation hearing, the person**
32 **can be subjected only to sanctions that have been approved**
33 **under IC 11-9-1-2.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1140 as introduced.)

Committee Vote: Yeas 9, Nays 2

Representative McMillin

